

320-R - SPECIAL ASSISTANCE FOR MEMBERS WITH SERIOUS MENTAL ILLNESS

EFFECTIVE DATES: 07/01/16, 10/01/17, 10/01/18

REVISION DATES: 09/21/17, 08/16/18

I. PURPOSE

This Policy applies to ALTCS E/PD, RBHA Contractors, Arizona State Hospital (AzSH), and Fee-For-Service (FFS) Programs as delineated within this Policy including: Tribal ALTCS and TRBHAs. This Policy prescribes identification and reporting requirements and establishes uniform guidelines for serving members determined to be Seriously Mentally Ill (SMI) (hereafter, members) who require Special Assistance. This includes:

1. Identification of members who are in need of Special Assistance.
2. Ensuring members who are in need of Special Assistance have those needs recognized and met.
3. Maintaining and disseminating required reports regarding members in need of Special Assistance.

II. DEFINITIONS

ARIZONA STATE HOSPITAL (AzSH)	Provides long-term inpatient psychiatric care to Arizonans with mental illnesses.
BEHAVIORAL HEALTH RESIDENTIAL FACILITY (BHRF)	As Specified in A.A.C. R9-10-101, a health care institution that provides treatment to an individual experiencing a behavioral health issue that limits the individual's ability to be independent or causes the individual to require treatment to maintain or enhance independence.
INDEPENDENT OVERSIGHT COMMITTEE (IOC)	A committee established by state statute to provide independent oversight and to ensure the rights of behavioral health members are protected. There is one Independent Oversight Committee established for each region as well as the AzSH, with each committee providing independent oversight and review within its respective jurisdiction as defined in A.A.C. R9-21-105.
OFFICE OF HUMAN RIGHTS (OHR)	The Office of Human Rights is established within AHCCCS and is responsible for the hiring, training, supervision, and coordination of human rights advocates. Human rights advocates assist and advocate on behalf of members determined to have a Serious Mental Illness with Service

Planning, Inpatient Discharge Planning and resolving appeals and grievances.

SPECIAL ASSISTANCE The support provided to a member determined to have a Serious Mental Illness who is unable to articulate treatment preferences and/or participate effectively in the development of the Service Plan, Inpatient Treatment, and Discharge Plan (ITDP), grievance and/or appeal processes due to cognitive or intellectual impairment and/or medical condition.

SERIOUS MENTAL ILLNESS (SMI) A designation as defined in A.R.S. §36-550 which is applicable to an individual 18 years of age or older.

III. POLICY

Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers if applicable, shall identify and submit notification to the OHR of members who meet the criteria for Special Assistance in accordance with A.A.C. R9-21-101 et seq. The provider shall submit a notification whether or not the member's Special Assistance needs appear to be met by an involved guardian/designated representative, family member, or friend. Contractors, AzSH, Tribal ALTCS, TRBHAs, subcontracted providers, and the AHCCCS Behavioral Health Office of Grievances and Appeals (BHGA) shall ensure that the person designated to provide Special Assistance is involved at key stages of the grievance and appeals process.

As applicable, Contractors shall ensure that subcontracted providers adhere to the requirements of this Policy.

A. GENERAL REQUIREMENTS

1. Criteria to deem a member to be in need of Special Assistance are as follows:
 - a. A member is in need of Special Assistance if that member is unable to do any of the following:
 - i. Communicate preferences for services,
 - ii. Participate effectively in Service Planning or ITDP,
 - iii. Participate effectively in the appeal, grievance, or investigation processes.
 - b. The member's limitations described above shall also be due to any of the following:
 - i. Cognitive ability/intellectual capacity (i.e. cognitive impairment, borderline intellectual functioning, or diminished intellectual capacity),
 - ii. Language barrier (an inability to communicate, other than a need for an interpreter/translator), and/or
 - iii. Medical condition (including, but not limited to traumatic brain injury, dementia, or severe psychiatric symptoms),
 - c. A member who is subject to general guardianship has been found to be incapacitated under A.R.S. § 14-5304, and therefore, automatically satisfies the criteria for Special Assistance, or

- d. The existence of any of the following circumstances should prompt the Contractor, AzSH, Tribal ALTCS, TRBHA, or subcontracted provider to more closely review whether the member is in need of Special Assistance:
 - i. Developmental disability involving cognitive ability,
 - ii. Residence in a 24 hour BHRF setting,
 - iii. Limited guardianship, or the Contractor, Tribal ALTCS, TRBHA, or subcontracted provider is recommending and/or pursuing the establishment of limited guardianship, or
 - iv. Existence of a serious medical condition, that affects the member's intellectual and/or cognitive functioning (such as dementia or traumatic brain injury).
2. The following may deem a member to be in need of Special Assistance:
 - a. A qualified clinician providing treatment for the member,
 - b. A case manager as defined in A.A.C. R9-21-101,
 - c. A member of the clinical team as defined in A.A.C. R9-21-101,
 - d. A Contractor, Tribal ALTCS, or TRBHA,
 - e. A program director of a subcontracted provider (including AzSH),
 - f. The Deputy Director of AHCCCS or designee, or
 - g. A hearing officer assigned to an SMI appeal or grievance.
3. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall, on an ongoing basis, screen whether members are in need of Special Assistance in accordance with the criteria set out in this Policy. Minimally, this shall occur at the following stages:
 - a. Assessment and annual updates,
 - b. Development of, or update to, the Service Plan,
 - c. Admission to a psychiatric inpatient facility,
 - d. Development of or update to an ITDP,
 - e. Initiation of the grievance or investigation processes,
 - f. Filing of an appeal, and
 - g. Existence of circumstances and/or other contributing factors which may be a basis for a grievance, an investigation, or an appeal.
4. Documentation
 - a. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall document in the Member's medical record (e.g. on the assessment, Service Plan, ITDP, face sheet) each time a staff person screens a Member for need of Special Assistance, indicating the factors reviewed and the conclusion. If the conclusion is that the Member is in need of Special Assistance, notification shall be provided to the OHR using Attachment A, in accordance with the procedures below,
 - b. Before submitting Attachment A, Contractors, Tribal ALTCS, TRBHAs, and subcontracted providers shall check if the Member is already identified as in need of Special Assistance. A notation of Special Assistance designation and a completed Attachment A should already exist in the Member's medical record. However, if it is unclear, subcontracted providers shall review Contractor, Tribal

ALTCS, or TRBHA data or contact the Contractor, Tribal ALTCS, or TRBHA to inquire about the Member's current status, and

- c. Contractors are required to maintain a database of members who have been identified as Special Assistance that shall include all required components of the comprehensive report. This data is required to be shared with subcontracted providers on a regular basis (at a minimum quarterly) to ensure contact information and member demographics for members receiving Special Assistance remain current.

B. NOTIFICATION REQUIREMENTS TO THE OFFICE OF HUMAN RIGHTS

1. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall submit a Notification utilizing Part A of Attachment A within five working days of identifying a Member who is in need of Special Assistance and shall include:
 - a. If the Member has a Special Assistance need requiring immediate support (e.g. ITDP, active SMI appeal or grievance) the notification shall be submitted immediately with a notation indicating the urgency,
 - b. If the member was or was not informed of the notification. If not, shall document and include an explanation of why not, and
 - c. If the Member is under full legal guardianship and guardianship documentation is not available at the time the member is identified as in need of Special Assistance, the notification is required to be submitted within the required timeframes, followed by submittal of the required documentation. The notification shall remain in pending status until the documentation is received.
2. The OHR reviews the notification to ensure it contains all required information and responds within five working days of receipt. After review the OHR will:
 - a. Contact the staff person submitting the form for clarification, if needed,
 - b. Designate which agency/person will provide Special Assistance when processing Part B of Attachment A,
 - c. Complete an updated Part B to document a change to the person meeting Special Assistance needs when:
 - i. The person / agency currently identified as providing Special Assistance is no longer actively involved, and the Contractor, AzSH, Tribal ALTCS, TRBHA, or subcontracted provider notify the OHR when change is needed, and
 - ii. The Member requests a change in the person/agency meeting Special Assistance needs.
 - d. Send out the Part B or updated Part B to the Contractor and provider once the process is complete. The notification process is not complete until the OHR completes and returns Part B of Attachment A.

C. MEMBERS NO LONGER IN NEED OF SPECIAL ASSISTANCE

1. Contractors, AzSH, Tribal ALTCS, TRBHAs, or subcontracted providers shall notify the OHR within 10 days of an event or determination when a member receiving

- Special Assistance no longer meets criteria by completing Part C of the original Notification form (with Parts A and B completed when first identified), noting:
- a. The reason(s) why Special Assistance is no longer required,
 - b. The effective date,
 - c. The name, title, phone number and e-mail address of the staff person completing the form, and
 - d. The date the form is completed.
2. Contractors, AzSH, Tribal ALTCS, TRBHAs, or subcontracted providers shall submit Part C when any of the following apply:
- a. The original basis for the member meeting Special Assistance criteria is no longer applicable and the member does not otherwise meet criteria. This includes when it is determined that the SMI designation is no longer appropriate and the designation has been removed (the Part C shall not be submitted until after the period to appeal has expired),
 - b. The member passes away,
 - c. The member enters a Department of Corrections (DOC) facility,
 - d. The member moves out of state and no longer receives services in Arizona, or
 - e. The member elects not to receive services from the Contractor, Tribal ALTCS, or TRBHA and the member is not transferred to another Contractor, Tribal ALTCS, or TRBHA. Contractor, Tribal ALTCS, TRBHA, or subcontracted providers shall perform all required re-engagement efforts, including contacting the person providing Special Assistance, per AMPM Policy 1040 prior to submission of the Part C, and
 - f. Notice and appeal rights shall be provided and the period to appeal shall have expired prior to the submission of the Part C. Submission of a Part C is not needed when a member transfers to another Contractor, Tribal ALTCS, or TRBHA, as the Special Assistance designation follows the member and shall be included in medical record during the transfer. Upon receipt of Part C of Attachment A, the OHR reviews content to confirm accuracy and completeness and returns it to the provider that submitted it, copying any involved Contractors, Tribal ALTCS, TRBHAs, or subcontracted providers.

D. REQUIREMENT TO HELP ENSURE THE PROVISION OF SPECIAL ASSISTANCE

1. Contractors, AzSH, Tribal ALTCS, TRBHAs, subcontracted providers, and BHGA shall maintain open communication with the person (family, guardian, friend, designated representative, OHR advocate, etc.) assigned to meet the member's Special Assistance needs. Minimally, this involves providing timely notification to the person providing Special Assistance to ensure involvement in the following:
 - a. Service Plan development, updates and review including any instance when the member makes a decision regarding service options and/or denial/modification/termination of services (service options include not only a specific service, but also potential changes to provider, site, physician and case manager assignment), which shall be in accordance with AMPM Policy 320-O,

- b. ITDP planning including any time a member is admitted to a psychiatric inpatient facility and involvement throughout the stay and discharge,
 - c. The appeal process including circumstances that may warrant the filing of an appeal, so all Notices of Adverse Benefit Determination (NOA) or Notices of Decision (NOD) issued to the member/guardian/designated representative shall also be copied to the person designated to meet Special Assistance needs, and
 - d. Investigation or grievance, including when an investigation/grievance is filed, and circumstances when initiating a request for an investigation/grievance may be warranted.
2. In the event that the procedures outlined in the section above are delayed, in order to ensure the participation of the person providing Special Assistance, the Contractors, AzSH, Tribal ALTCS, TRBHAs, subcontracted providers, and BHGA shall document the reason for the delay in the medical record, or the investigation, grievance or appeal file. If an emergency service is needed, Contractors, AzSH, Tribal ALTCS, TRBHAs, and/or subcontracted providers shall ensure that the Member receives the needed services in the interim and shall promptly notify the agency/person providing Special Assistance.
3. Contractors, Tribal ALTCS, TRBHAs, and subcontracted providers shall provide timely relevant details and a copy of the original Attachment A (both Parts A and B) to the receiving entity and when applicable, the case manager, when a Member who is in need of Special Assistance is:
 - a. Admitted to an inpatient facility,
 - b. Admitted to a BHRF setting, or
 - c. Transferred to a different Contractor, Tribal ALTCS, TRBHA, Case Management Provider site, or case manager.
4. Contractors, Tribal ALTCS, TRBHAs, and subcontracted providers shall periodically review whether the member's needs are being met by the person or agency designated to meet the member's Special Assistance needs. If a concern arises, it should first be addressed with the person or agency providing Special Assistance. If the issue is not promptly resolved, further action shall be taken to address the issue, which may include contacting the OHR for assistance.

E. BEHAVIORAL HEALTH OFFICE OF GRIEVANCES AND APPEALS (BHGA) AND CONTRACTORS, AZSH, TRIBAL ALTCS, AND TRBHA GRIEVANCE AND APPEALS REPORTING REQUIREMENTS

1. Upon receipt of a request for investigation, grievance or appeal, the Contractor, AzSH, Tribal ALTCS, or TRBHA, and the BHGA shall review whether the Member is already identified as in need of Special Assistance.
2. If the member is identified as in need of Special Assistance, the Contractor, AzSH, Tribal ALTCS, TRBHA, or BHGA shall ensure that:

- a. A copy of the request for investigation or grievance is sent to the OHR within five days of receipt of the request. The Contractor, Tribal ALTCS, TRBHA, or BHGA shall also forward a copy of the final grievance/investigation decision to the OHR within five days of issuing the decision,
- b. A copy of the appeal for a Member who is identified as in need of Special Assistance is sent to the OHR upon occurrence,
- c. The results of the Informal Conference (IC) regarding appeals are sent to the OHR. The Contractor, AzSH, Tribal ALTCS, TRBHA, or BHGA shall also forward a copy of any subsequent notice of hearing, and
- d. All of the above required documents are to be emailed to the OHR at OHRts@AZAHCCCS.gov.

F. CONTRACTOR, AZSH, TRIBAL ALTCS, AND TRBHA REPORTING REQUIREMENTS

1. Contractors, Tribal ALTCS, and TRBHAs shall maintain a copy of completed Attachment A, Parts A and B, and any updated Part B or Part C if applicable.
2. Contractors, Tribal ALTCS, and TRBHAs shall maintain and submit a report as described below regarding Members who are in need of Special Assistance to ensure compliance with this Policy and the reporting requirements described in this section. This cannot be delegated to subcontracted providers.
3. The Contractor, Tribal ALTCS, and TRBHA shall, as specified in Contract and/or Intergovernmental Agreement (IGA), provide the OHR with a comprehensive report listing which includes:
 - a. Members who are identified as in need of Special Assistance and who are active as of the end of the previous month,
 - b. Part C notifications that occurred during the previous month,
 - c. Members who transferred to the Contractor, Tribal ALTCS, or TRBHA during the previous month, who were designated to be in need of Special Assistance by the previous Contractor, Tribal ALTCS, or TRBHA, and
 - d. Members in need of Special Assistance transferred from the Contractor, Tribal ALTCS, or TRBHA to another Contractor, Tribal ALTCS, or TRBHA during the previous month.
4. The comprehensive report shall contain the following information for each Member:
 - a. CIS Number (if assigned),
 - b. AHCCCS ID Number,
 - c. Member Name,
 - d. Date of Birth,
 - e. Guardian (yes or no),
 - f. Current Address,
 - g. Current Phone Number,
 - h. Type of Residence,
 - i. Whether currently at AzSH and Unit Name,
 - j. AzSH Identification Number,

- k. Name of Behavioral Health Provider,
 - l. Name/Location of Behavioral Health Provider Site,
 - m. Name of Behavioral Health Contractor or Provider case manager,
 - n. Name of Behavioral Health case manager Supervisor,
 - o. GSA (for Contractors serving more than one),
 - p. Title XIX/XXI (AHCCCS) Enrollment Status (yes or no),
 - q. Effective Date (date Part B was completed),
 - r. Person/Relationship or Agency meeting Special Assistance Needs,
 - s. Name, Address and Phone Number of Person/Agency meeting the Special Assistance Needs,
 - t. If applicable, the Date of Discharge from AzSH,
 - u. If applicable, the Date of the Removal (when Part C of Attachment A was sent to the OHR) or the Event and Event Date that prompted the removal,
 - v. If applicable, Information on any updated Part B (indicating change in person/agency meeting Special Assistance needs), and
 - w. If applicable, the Date of Transfer including the Name of the Relinquishing and Receiving Contractor, TRBHA, or Tribal ALTCS.
5. By the 25th day of the month following the end of a quarter, the OHR provides Contractors, Tribal ALTCS, and TRBHAs with a comprehensive report for the previous quarter.
6. The Contractors, Tribal ALTCS, and TRBHAs, in response to the OHR's quarterly report shall update the comprehensive report with data updates contained in the quarterly report for Members assigned to an OHR advocate and submit an updated report to the OHR by the 10th day of the next month, as specified in the Contract or IGA. The report shall identify any changes in member information, for Members not assigned to an OHR advocate, which occurred during the previous quarter. Examples include change in Title XIX/XXI eligibility, changes in the Member's residence, case management provider, or case manager assignment. Contractors, Tribal ALTCS, TRBHAs, and the OHR shall work together to rectify any data discrepancies in a timely manner to ensure that the data maintained is accurate.
7. The OHR, utilizing data it maintains on all Members in need of Special Assistance, provides a list of Members in each region to each IOC by the 25th calendar day of each month. The OHR customarily provides a courtesy copy of the report to the corresponding Contractor.
8. By the 10th calendar day of each month, AzSH shall provide the OHR with a comprehensive report listing of Members in need of Special Assistance that were receiving services at AzSH during the previous month. The OHR provides the final report to the AzSH IOC and a copy to AzSH by the 25th of the month.
9. Contractors, Tribal ALTCS, and TRBHAs shall share Special Assistance data with its subcontracted or FFS providers that provide services to Members and verify that a process exists at each place of service to ensure this data is accessible by front-line

provider staff (at a minimum quarterly). Contractors, Tribal ALTCS, and TRBHAs shall also establish a process with such providers to obtain quarterly updates on Members currently determined to be in need of Special Assistance to support the Contractors, Tribal ALTCS, or TRBHAs quarterly data updates process with the OHR.

G. CONFIDENTIALITY REQUIREMENTS

1. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall grant access to medical records of Members in need of Special Assistance to the OHR in accordance with federal and state confidentiality laws (see AMPM Policy 940).
2. The IOCs shall safeguard the monthly list that contains the names of those Members in need of Special Assistance regarding any Protected Health Information (PHI). The IOCs shall inform AHCCCS annually in writing of how it will maintain the confidentiality of the Special Assistance lists. If IOCs request additional information that contains PHI that is not included in the monthly report, the request shall be in accordance with the requirements set out in AMPM Policy 960.

H. ADMINISTRATIVE REQUIREMENTS

1. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall maintain a copy of the completed Attachment A, (Parts A and B and updated B, if any) in the Member's medical record. In the event a Member is identified as no longer needing Special Assistance and Part C of the Attachment A was completed, the Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall maintain a copy of the form in the Member's medical record.
2. Contractors, AzSH, Tribal ALTCS, TRBHAs, and subcontracted providers shall clearly document in the Member's medical record and in the case management/client tracking system if a Member is identified as in need of Special Assistance, the person/agency assigned currently to provide Special Assistance, the relationship, and contact information including phone number and mailing address.
3. The IOCs shall make regular visits to the residential environments of Members in need of Special Assistance to determine whether the services meet the member's needs and to determine member satisfaction with the residential environment.
4. Contractors and TRBHAs shall implement quality management measures to ensure the subcontracted providers implement the requirements of this Policy. Audit tools and procedures shall be shared with the OHR prior to use to ensure the tools address:
 - a. Screening requirements,
 - b. Documentation requirements, and
 - c. Provision of Special Assistance requirements.

5. Contractors, Tribal ALTCS, and TRBHAs shall ensure that all applicable staff are trained regarding Special Assistance requirements.